

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

DONNA R. STARR,

Plaintiff,

vs.

**Civil Action No. 2:09 CV 59
(Maxwell)**

**MICHAEL J. ASTRUE,
COMMISSIONER OF
SOCIAL SECURITY,**

Defendant.

ORDER

It will be recalled that the above-styled Social Security appeal is referred to United States Magistrate Judge David J. Joel pursuant to Rule 86.02 of the Local Rules of General Practice and Procedure.

On May 13, 2009, Magistrate Judge Joel filed a Report And Recommendation That Petition To Proceed *In Forma Pauperis* Be Denied. In said Report And Recommendation, Magistrate Judge Joel found, after taking into account the costs of daily living and monthly utility bills, that the Claimant, who with her husband's support, receives approximately \$4,665.00 a month in income and who has monthly debts in the amount of \$2,008.50, has sufficient assets to pay the filing fee in the above-styled appeal.

In his May 13, 2009, Report And Recommendation, Magistrate Judge Joel expressly advised the parties that they had ten (10) days after being served with a copy of said Report And Recommendation in which to file objections thereto and that a failure to timely do so would result in the waiver of the right to appeal from a judgement of this Court based upon said Report

And Recommendation. The Court's review of the docket in the above-styled Social Security appeal has revealed that, to date, no objections to Magistrate Judge Joel's May 13, 2009, Report And Recommendation have been filed.

Upon consideration of Magistrate Judge Joel's Report and Recommendation, and having received no written objections thereto¹, the Court accepts and approves said Report And Recommendation. Therefore, it is

ORDERED that Magistrate Judge Joel's May 13, 2009, Report And Recommendation (Docket No. 4) be, and the same is hereby, **ACCEPTED** in whole and **ADOPTED** by this Court. Consistent therewith, it is

ORDERED that the Plaintiff's Application To Proceed In District Court Without Prepaying Fees Or Costs (Docket No. 2) be, and the same is hereby, **DENIED**. It is further

ORDERED that, **within ten (10) days from the date of entry of this Order**, the Plaintiff shall pay the full filing fee of \$350.00. The Plaintiff is expressly advised that a failure to timely pay the filing fee will result in the dismissal of this Social Security appeal.

The Clerk of Court is directed to transmit copies of this Order to counsel of record.

ENTER: August 27, 2009

/S/ Robert E. Maxwell
United States District Judge

¹The failure of the parties to object to the Report And Recommendation not only waives their appellate rights in this matter, but also relieves the Court of any obligation to conduct a *de novo* review of the issues presented. See Wells v. Shriners Hospital, 109 F.3d 198, 199-200 (4th Cir. 1997); Thomas v. Arn, 474 U.S. 140, 148-153 (1985).